

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RICHARD MILBOURN,

Petitioner,

v.

OFFICE OF THE WARDEN,

Respondent.

Case No. 3:22-cv-00192-RCJ-CSD

ORDER

Petitioner Richard Milbourn has submitted what he has styled as a *pro se* petition for writ of habeas corpus (ECF No. 1-1). Petitioner has not submitted an application to proceed *in forma pauperis* or paid the filing fee. Accordingly, this matter has not been properly commenced and is subject to dismissal on that basis. 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2.

Further, under 28 U.S.C. § 2254(a) “a district court shall entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.” Here, petitioner insists that he is being held hostage at Northern Nevada Correction Center, without alleging why his incarceration is improper or unconstitutional. He argues that the State is liable, “criminally and civilly, and monetarily, at a rate of \$1,000.00 per minute from the moment of his seizure to such time as he is ultimately released.” Petitioner sets forth no discernible factual allegations cognizable in federal habeas and no discernible, plausible factual allegations that would state a claim for which relief may be granted in any event. Petitioner’s submission is frivolous.

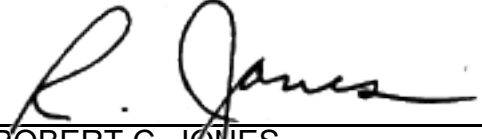
1 **IT IS THEREFORE ORDERED** that the Clerk of Court detach and file the petition
2 (ECF No. 1-1).

3 **IT IS FURTHER ORDERED** that this action is **DISMISSED** as improperly
4 commenced and frivolous.

5 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**, as jurists
6 of reason would not find the court's dismissal of this improperly commenced action
7 without prejudice to be debatable or incorrect.

8 **IT IS FURTHER ORDERED** that the Clerk ENTER JUDGMENT accordingly and
9 close this case.

10 DATED: 14 June 2022.

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15 ROBERT C. JONES
16 UNITED STATES DISTRICT JUDGE
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